



DAE
JW

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4530
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

July 20, 2005

direct dial 404 815 6367
direct fax 404 541 3348
JPratt@KilpatrickStockton.com

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Letter in Response to Patent Term Adjustment Letter from the
Commissioner of Patents Office dated March 30, 2005
regarding U.S. Application No. 09/783,354 (U.S. Patent No. 6,908,656)
Our File: IRC293 – I4060-205649

Dear Sirs:

This letter replies to the Patent Term Adjustment letter issued by the U.S. Patent Office on March 30, 2005, in response to the Applicant's Application for Patent Term Adjustment filed on October 15, 2004.

According to the Patent Office's letter of March 30, 2005, the request for reconsideration was held in abeyance subject to the issuance date being set by the Office of Patent Publications. The Applicant was advised that a letter may be submitted to the Office within two months of the issuance of the patent if, at the time of issuance of the patent, the appropriate adjustment under 37 C.F.R. §1.702(b) had not been accorded. The patent issued on June 21, 2005 and according to Patentee's calculations the appropriate adjustment under 37 C.F.R. §1.702(b) has not been accorded.

The term of the patent has been adjusted by 157 days. Patentees' Assignee hereby requests that the term of the patent be adjusted by a total of 277 days.

According to the Patent Term Adjustment History on Public PAIR, the Patent Office has accorded the Patentee with a delay of 120 days due to the filing of a "Miscellaneous Letter" on October 13, 2004. A copy of the Patent Term Adjustment History for the referenced patent is attached as Exhibit A. The "Miscellaneous Letter" is a "Response to Notice of Allowance" requesting the initialing of PTO form PTO/SB08a filed with the Patent Office on September 15, 2005. A copy of the "Response to Notice of Allowance" as filed on October 13, 2004 is attached as Exhibit B.

ATLLIB02 188320.1

Post Available Copy



Commissioner for Patents

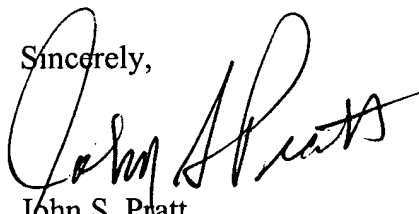
July 20, 2005

Page 2

As this "Response to Notice of Allowance" was filed to correct an omission on the part of the Patent Office and not to request the amendment of the application under 37 C.F.R. §1.312 after issuance of a Notice of Allowance, Patentees and their Assignee do not believe that the accord of the 120 day delay is justified and ask that the accord of the 120 day delay be removed. With the removal of the 120 day Applicant delay, the Patent Term Adjustment History should read: USTPO Delay (PTO): 493 days and Applicant Delay (APPL): 216 days. Therefore, the Total PTA should read 277 days.

Should the Commissioner have any questions regarding the above, the Commissioner is respectfully requested to contact Assignee's representative at 404.815.6367.

Sincerely,



John S. Pratt

JSP/MAC
Enclosures

Best Available Copy

Printer Friendly

09/783,354 ORTHOGONALLY AMBIGUOUS CARPET TILE

Patent Term Adjustment History

Patent Term Adjustment (PTA) for Application Number: 09/783,354			
			Days
Filing or 371(c) Date:	02-14-2001	USPTO Delay (PTO):	493
Issue Date of Patent:	06-21-2005	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	336
Post-Issue Petitions (days):	+0	Total PTA:	157
USPTO Adjustment(days):	+0	Explanation Of Calculations	
Patent Term Adjustment History			
Date	Contents Description	PTO(Days)	APPL (Days)
06-21-2005	Patent Issue Date Used in PTA Calculation	123	
06-01-2005	PTA 36 Months	370	
05-24-2005	Workflow - Query Request - Finish	↑	
05-20-2005	Workflow - Query Request - Finish	↑	
05-17-2005	Receipt into Pubs	↑	
05-16-2005	New or Additional Drawing Filed	↑	37
04-25-2005	Workflow - Query Request - Begin	↑	↑
04-22-2005	Receipt into Pubs	↑	↑
04-22-2005	Receipt into Pubs	↑	↑
04-22-2005	Receipt into Pubs	↑	↑
04-05-2005	Dispatch to FDC	↑	↑
04-05-2005	Dispatch to FDC	↑	↑
04-05-2005	Application Is Considered Ready for Issue	↑	↑
04-01-2005	Receipt into Pubs	↑	↑
03-30-2005	Petition Decision - Dismissed	↑	↑
02-02-2005	Receipt into Pubs	↑	↑
02-02-2005	Receipt into Pubs	↑	↑
12-10-2004	Workflow - Query Request - Finish	↑	↑
11-23-2004	Workflow - Query Request - Begin	↑	↑
10-20-2004	Receipt into Pubs	↑	↑
10-20-2004	Receipt into Pubs	↑	↑
10-20-2004	Receipt into Pubs	↑	↑
10-19-2004	Workflow - File Sent to Contractor	↑	↑
10-18-2004	Issue Fee Payment Verified	↑	↑
10-18-2004	Issue Fee Payment Received	↑	↑
10-15-2004	Petition Entered	↑	↑
10-13-2004	Miscellaneous Incoming Letter	↑	120
10-04-2004	Mail Notice of Allowance	↑	↑
10-04-2004	Mail Examiner's Amendment	↑	↑
09-30-2004	Issue Revision Completed	↑	↑
09-30-2004	Examiner's Amendment Communication	↑	↑
	Notice of Allowance Data Verification	↑	↑

Best Available Copy

09-30-2004	Completed		
09-30-2004	Notice of Allowability	↑	↑
08-20-2004	IFW TSS Processing by Tech Center Complete	↑	↑
08-20-2004	Date Forwarded to Examiner	↑	↑
08-02-2004	Reference capture on IDS	↑	↑
08-02-2004	Information Disclosure Statement (IDS) Filed	↑	21
07-16-2004	Workflow incoming amendment IFW	↑	
07-12-2004	Response after Non-Final Action	↑	
06-21-2004	Mail Examiner Interview Summary (PTOL - 413)	↑	
06-21-2004	Mail Supplemental Non-Final Action	↑	
06-18-2004	Supplemental Non-Final Action	↑	
02-25-2004	Examiner Interview Summary Record (PTOL - 413)	↑	
12-17-2003	Mail Non-Final Rejection	↑	
12-15-2003	Non-Final Rejection	↑	
10-24-2003	Case Docketed to Examiner in GAU	↑	
10-08-2003	Date Forwarded to Examiner	↑	
09-15-2003	Response after Non-Final Action	↑	
09-15-2003	Information Disclosure Statement (IDS) Filed	↑	
09-12-2003	Information Disclosure Statement (IDS) Filed	↑	
06-16-2003	Mail Non-Final Rejection	↑	
06-14-2003	Non-Final Rejection	↑	
05-19-2003	Notice of Appeal Filed	↑	
05-19-2003	Request for Extension of Time - Granted	↑	
05-13-2003	Miscellaneous Incoming Letter	↑	
05-07-2003	Mail Advisory Action (PTOL - 303)	↑	
05-06-2003	Advisory Action (PTOL-303)	↑	
05-01-2003	Date Forwarded to Examiner	↑	
05-01-2003	Date Forwarded to Examiner	↑	
04-25-2003	Letter Requesting Interview with Examiner	↑	
04-11-2003	Supplemental Response	↑	11
03-31-2003	Amendment after Final Rejection	↑	↑
03-12-2003	Mail Advisory Action (PTOL - 303)	↑	
03-10-2003	Advisory Action (PTOL-303)	↑	
03-06-2003	Date Forwarded to Examiner	↑	
02-27-2003	Amendment after Final Rejection	↑	
01-23-2003	Mail Final Rejection (PTOL - 326)	↑	
01-22-2003	Final Rejection	↑	
12-23-2002	Information Disclosure Statement (IDS) Filed	↑	38
11-19-2002	Date Forwarded to Examiner	↑	↑
11-15-2002	Response to Election / Restriction Filed	↑	↑
10-30-2002	Mail Restriction Requirement	↑	
10-30-2002	Requirement for Restriction / Election	↑	
		↑	

Best Available Copy

10-15-2002	Information Disclosure Statement (IDS) Filed		63
08-23-2002	Date Forwarded to Examiner	↑	↑
08-13-2002	Information Disclosure Statement (IDS) Filed	↑	↑
08-13-2002	Response after Non-Final Action	↑	46
08-13-2002	Request for Extension of Time - Granted	↑	↑
06-18-2002	Examiner Interview Summary Record (PTOL - 413)	↑	↑
06-18-2002	Petition Decision - Granted	↑	↑
06-17-2002	Application Dispatched from OIPE	↑	↑
06-17-2002	Application Is Now Complete	↑	↑
06-17-2002	Pre-Exam Office Action Withdrawn	↑	↑
06-04-2002	Petition Entered	↑	↑
03-28-2002	Mail Non-Final Rejection	↑	↑
03-25-2002	Non-Final Rejection	↑	
10-31-2001	Case Docketed to Examiner in GAU	↑	
04-07-2001	Case Docketed to Examiner in GAU	↑	
03-30-2001	Application Dispatched from OIPE	↑	
03-30-2001	Correspondence Address Change	↑	
03-14-2001	IFW Scan & PACR Auto Security Review	↑	
02-14-2001	Initial Exam Team nn	↑	

[Close Window](#)

3 Available Copy

RECEIVED
CENTRAL FAX CENTER



Attorneys at Law

OCT 13 2004

Suite 2800 1100 Peachtree St.
Atlanta GA 30309-4530
t 404 815 6500 f 404 815 6555
www.KilpatrickStockton.com

October 13, 2004

direct dial 404 745 2458
direct fax 404 541 3160
MCogburn@KilpatrickStockton.com

FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Examiner Cheryl Juska Art Unit 1771	703 872 9306	United States Patent & Trademark Office Washington, D.C.

Margaret A. Cogburn, Paralegal
FROM

22

PAGES (WITH COVER)

6408

REFERENCE NO

14060/205649

CLIENT/MATTER NO.

PLEASE CALL 404 815 6497 IF YOU HAVE DIFFICULTY WITH THIS TRANSMISSION.

CONFIDENTIALITY NOTE:

The information contained in this fax message is being transmitted to and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copy of this fax is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and destroy this fax message.

COMMENTS

Please acknowledge receipt of the enclosed:

1) Response to Notice of Allowance

For:

Applicant(s): Daniel

Application No.: 09/783,354

Filing Date: February 14, 2001

Title: Orthogonally Ambiguous Carpet Tile

Attorney Docket No. IRC293 14060/205649

KJD/MAC

TO BE COMPLETED BY KS OPERATIONS CENTER

TRANSMISSION RECEIPT DATE/TIME: _____

COMPLETED BY: _____

JOB CODE 09895

Best Available Copy

OCT 13 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE PATENTS

In re Application of:)
Sydney D. Daniel)
Serial No. 09/783,354) Art Unit: 1771
Filed: February 14, 2001) Examiner: Juska, Cheryl Ann
For: Orthogonally Ambiguous Carpet Tile)
Atty Docket: IRC293 - I4060/205649

RESPONSE TO NOTICE OF ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22323-1450

Sir:

In Response to the Notice of Allowance mailed October 4, 2004, Assignee respectfully requests that the Examiner issue a Supplemental Notice of Allowability acknowledging the consideration of the prior art filed with the Supplemental Information Disclosure Statement on September 15, 2003.

After a review of the Notice of Allowance and the two Office Actions issued by the Examiner in this case after the submission of the Supplemental Information Disclosure Statement on September 15, 2003, Assignee can find no evidence that the reference cited in the Supplemental Information Disclosure Statement was reviewed or considered by the Examiner. Therefore, Assignee requests that the Supplemental Information Disclosure

I hereby certify that this correspondence and all documents referred to as enclosed are being facsimile transmitted to: AFTER FINAL, U.S. Patent and Trademark Office, fax no. 703-872-9306, on October 13, 2004.


Margaret A. Cogburn

ATLJIB02 169661.1

Post Available Copy

Serial No. 09/783,354
Response to Notice of Allowance
Page 2

Statement filed with the United States Patent Office on September 15, 2003 be considered. A copy of the Supplemental Information Disclosure Statement and cited reference are enclosed for the Examiner's review. A copy of Rightfax Auto-Reply Facsimile Transmission showing receipt of the Supplemental Information Disclosure Statement and cited reference by the United States Patent Office is also enclosed. Assignee requests that the Examiner attach an initialed copy of the PTO/SB/08a form with the issuance of the Supplemental Notice of Allowability.

Should the Examiner have any questions regarding the above, the Examiner is respectfully requested to contact Assignee's representative at the telephone number listed below.

Respectfully submitted,



Kristin L. Johnson
Reg. No. 44,807

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
(404) 815-6389

Best Available Copy

Page 001

TO:Auto-reply fax to 404 815 6555 COMPANY:

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

Fax Sender at 404 815 6555

Fax Information

9/15/03 4:12:52 PM [Eastern Daylight Time]

Date Received:

42 (including cover page)

Total Pages:

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

08/13/2003 18:00 FAX 404 613 6335

X3

#001/633

KILPATRICK
STOCKTON LLP
Attorneys at Law

Suite 2050 1149 Poppleton Dr.
Atlanta, GA 30329-4339
(404) 613-6335 Fax (404) 613-6333
www.KilpatrickStockton.com

September 15, 2003

©2003 All Rights Reserved
Direct Fax (404) 341 8348
jlaw@kilpatrickstockton.com

FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
ATTN: Cheryl Ann Juska GAU 1773	1.703.872.9310	USPTO Arlington, VA
ATTN: Cheryl Ann Juska GAU 1773	1.703.872.9472	USPTO Arlington, VA

John S. Pratt

frcba

44

PAGES (WITH COVER)

B493

retransmits RJL

JRCZ93 110607101649

CLEAR/FACILITY DEL.

PLEASE CALL 404 613 6335 IF YOU HAVE DIFFICULTY WITH THIS TRANSMISSION.

CONFIDENTIALITY NOTE:

The information contained in this fax message is being transmitted to and is intended for the use of the individual named above. If the receipt of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copy of this file is strictly prohibited. If you have received this fax in error, please immediately notify us by telephone and destroy this fax message.

COMMENTS

The Closing Sheet of a trademark application of the U.S. Patent and Trademark Office will automatically register all

Applicant	Daniel et al.
Title	Emotionally Ambiguous Content Title
Serial Number(s)	68763,364
Filing Date	February 14, 2001
EXAMINER'S COMMENTS	
1.	PTO/USPTO Transmittal Form
2.	PTO/USPTO - Fee Transmitted for PTO/USPTO.
3.	Advertisement and Response to Inquiries to High-Paid Office Action of June 14, 2003; and
4.	Supplemental Information Regarding Drawings and Modified Base PTO/USPTO.
Date	September 15, 2003
By	John A. Don Rosa, Jr., Esq.

TO BE COMPLETED BY ITS OPERATIONS CENTER

TRANSMISSION RECEIPT DATETIME: _____

COMPLETED BY: _____

JOB CODE _____

Source: https://www.industrydocuments.ucsf.edu/docs/jrcz93
Retrieved from GPOA 1/15/2025 at 07:55:00 AM EST via EDS (Easton Digital Services)

bcc: Docketing

ENTERED COMPUTER
ON 9/16/2003 SKS

PAGE 4/22 * RCVD AT 10/13/2004 4:30:51 PM (Eastern Daylight Time) * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:404 815 6555 * DURATION (mm:ss):12:54.9 

Best Available Co

OCT 13 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel et al.

Serial No.: 09/783,354

Art Unit: 1772

Filed: February 14, 2001

Examiner: Cheryl Ann Juska

For: ORTHOGONALLY AMBIGUOUS CARPET TILE

Attorney Docket No. IRC293 I4060/205649

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION
I hereby certify that this Response to Office Action and all documents referred to as enclosed are being facsimile transmitted to: U.S. Patent and Trademark Office on September 15, 2003, BEFORE FINAL, fax no. 703-872-9310 at TC1700 (ART UNIT 1772) and personally to Examiner Juska at fax number 703.872.9472.


Janie WilkinsSUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), enclosed are copies of the references listed on the attached modified Form PTO-08A.

The undersigned concedes that the identified material constitutes prior art within the meaning of the United States patent laws.

The Commissioner is hereby authorized to charge the applicable fees to Deposit Account No. 11-0855.

Respectfully submitted,


John S. Pratt

Reg. No. 29,476

Attorney for Assignee

KILPATRICK STOCKTON LLP
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309
404.815.6367

Not Available Copy

